



Written by [Michael Tennant](#) on November 13, 2017

Supreme Court to Consider California Law Forcing Pro-lifers to Promote Abortion

The Supreme Court announced Monday that it has agreed to hear a case challenging a California law requiring crisis-pregnancy centers, under the threat of heavy fines for noncompliance, to tell their clients how to obtain state-subsidized abortions.

The case, *National Institute of Family and Life Advocates v. Becerra*, charges that the Golden State's Reproductive FACT Act violates the First Amendment's guarantees of freedom of speech and religion by forcing pregnancy centers to disseminate information that violates their religious beliefs.



The law passed the California legislature in 2015 on a party-line vote — Democrats yea, Republicans nay — and was signed by Governor Jerry Brown, also a Democrat. As [The New American](#) reported at the time, the act mandates that pregnancy centers offering medical services either post or distribute to their clients the following notice:

California has public programs that provide immediate free or low-cost access to comprehensive family planning services (including all FDA-approved methods of contraception), prenatal care, and abortion for eligible women. To determine whether you qualify, contact the county social services office at [insert the telephone number].

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The statute “also burdens pro-life religious unlicensed centers’ speech by requiring them to place extensive disclaimers in large fonts and in as many as 13 languages in their ads, which significantly burdens their ability to advertise,” according to the [lawsuit](#), which was filed by the Alliance Defending Freedom (ADF) on behalf of a number of California pregnancy centers.

“Providers that fail to comply with the law are fined \$500 to \$1000 per violation, roughly the cost of an abortion in California,” wrote the [Daily Caller](#). “As such, the clinics say they are forced to chose [sic] between promoting abortion and subsidizing abortion through the state.”

Democrats claimed that the FACT Act, which was sponsored by NARAL Pro-Choice California, was necessary because pregnancy centers weren't telling their clients about their options to abort their unborn babies at taxpayer expense. Democratic Assemblyman David Chiu said pregnancy centers represented “a growing and alarming movement ... working to mislead women in order to achieve their political ideology. We have a responsibility as lawmakers to make sure that the information given to women who are making their own healthcare decisions is accurate and timely.”

However, as Republican Assemblywoman Shannon Grove observed, “According to this logic, if the government finds that your message isn't ‘fully-informed,’ it now has a right to compel you to do say



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[sic] things you do not believe in. The founding fathers would be rolling over in their graves.”

ADF filed suit over the law just days after Brown signed it. It asked a federal judge to issue a preliminary injunction against the act while the lawsuit was in progress, but the judge declined to do so. The Ninth Circuit Court of Appeals upheld that ruling, citing the state’s “substantial interest in the health of its citizens, including ensuring that its citizens have access to and adequate information about constitutionally protected medical services like abortion.”

The Ninth Circuit’s opinion stands in stark contrast to those of the Second and Fourth Circuits, both of which invalidated similar laws adopted in other states. This “circuit split” likely contributed to the Supreme Court’s decision to hear the case.

“It’s unthinkable for the government to force anyone to provide free advertising for the abortion industry. This is especially true of pregnancy care centers, which exist to care for women who want to have their babies,” ADF senior counsel Kevin Theriot said in a [press release](#). “The state shouldn’t have the power to punish anyone for being pro-life. Instead, it should protect freedom of speech and freedom from coerced speech.”

Whether the “unthinkable” remains the law in California is now in the hands of nine men and women, few of whom are known for their devotion to the original understanding of the Constitution, particularly when it comes to abortion. All Americans who value freedom of speech and religion — and even those who don’t — have much at stake in the outcome.

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